THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1321 of 2001

Dt:25.08.2005

Between:

The Government of A.P., and others

.. Petitioners

and

K.Brahmanandam and others

.. Respondents

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1321 of 2001

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JUDGMENT: (per the Hon'ble Smt. Justice T. Meena Kumari)

Assailing the Order, dated 03.07.2001, in W.P.No. 4550 of 2000 passed by the learned Single Judge, this writ appeal has been preferred.

The respondents herein were appointed as Secondary Grade Teachers in C.S.I. Elementary Schools at different places in West Godavari district, through the proceedings, dated 31.10.1994, of the eighth respondent, after due selection process and since then they have been discharging their duties to the utmost satisfaction of the officers concerned. However, the fourth appellant has not released salaries till today. Hence, they approached this Court by filing W.P.No.9616 of 1995. The same was disposed of by this Court, through an order, dated 19.09.1999, directing the authorities concerned to consider the proposals sent by the Management on 01.04.1996 and take appropriate decision within a period of eight weeks. In accordance therewith, the District Educational Officer, the fourth appellant, passed orders on 10.12.1999 rejecting the cases of the respondents, for approval. Aggrieved thereby, the respondents preferred the present writ petition.

The learned Single Judge, while placing reliance upon the Judgment in *M. Bucha Reddy vs. V. Bhagyamma*, held that the respondents have been continuing in service for more than eight years and it would be inequitable to disturb them at this length of time and accordingly allowed the writ petition and set aside the impugned order passed by the fourth appellant. It is directed that the appellants herein shall approve the appointment of the respondents prospectively within a period of two months from the date of receipt of a copy of that order. Assailing the said order, the appellants filed the writ appeal.

The learned Government Pleader for School Education contends that the appointment of the respondents is not in consonance with the provisions of G.O.Ms.No.1, dated 01.01.1994. He further contends that the writ petition ought not to have been allowed, since a regular appeal lies to the appellate authority under the Education Act and the respondents without availing the alternative remedy, straight away approached this Court.

The learned counsel appearing on behalf of the respondents, on the other hand, contends that no illegality or infirmity can be attached to the order under appeal and accordingly sought to sustain the same.

The main grievance of the respondents is that though they were appointed as Secondary Grade Teachers, through due selection process, neither their appointments were approved nor they were paid any salary till date. In earlier round of litigation, in W.P.No.9616 of 1995, this Court directed the authorities concerned to consider the proposals sent by the Management on 01.041996 and take appropriate decision. In pursuance thereof, the fourth appellant passed orders on 10.12.1999 rejecting the cases for approval. The case of the respondents is that they have put up sufficient length of service. The learned Single Judge placed reliance on the Judgment cited supra and held that it would be unjust to disturb the respondents after eight years of service and accordingly set aside the impugned order passed by the fourth appellant. In the above background of the case, We are of the opinion that the learned Single Judge has arrived at a just conclusion and the same, in our considered opinion, deserves no interference.

The writ appeal fails and is accordingly dismissed. There shall be no order as to costs.

(T. Meena Kumari.J)

(P. Lakshmana Reddy.J)

ksld/kdl

Dt.25.08.2005